IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA, 1928

WP(C).No. 33432 of 2006(E)

PETITIONER:

C.S. BASHEER, S/O. SEYTHUMOHAMMAD,
CHIRAPARAYIL HOUSE, ARUVITHURA P.O., ERATTUPETTA,
KOTTAYAM DISTRICT.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:

1.THE KONNATHADY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KONNATHADY P.O.,
IDUKKI DISTRICT.

2.THE SECRETARY,
KONNATHADY GRAMA PANCHAYATH OFFICE,
KONNATHADY P.O., IDUKKI DISTRICT.

3.THE VILLAGE OFFICER,
KONNATHADY VILLAGE OFFICE, KONNATHADY P.O.,
IDUKKI DISTRICT.

4.THE SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION, VELLATHOOVAL P.O.,
IDUKKI DISTRICT.

5.THE DISTRICT COLLECTOR,
COLLECTORATE, KUILIMALA, PAINAVU P.O.,
IDUKKI DISTRICT.

R1-R2 BY ADV.MR.BABU JOSEPH KURUVATHAZHA
R3 TO R5 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC NO.33432/06)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE LORRY BEARING REG.NO.KL-5/Q 1240.

EXT.P2: TRUE COPY OF THE CASH MEMORANDUM IN FORM 'P' DATED 5.12.2006 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER'S VEHICLE.

EXT.P3: TRUE COPY OF THE MAHAZAR PREPARED BY THE 4TH RESPONDENT.

RESPONDENT'S EXTS.(RESPONDENTS 1 AND 2):

EXT.R2(a): TRUE COPY OF THE LETTER NO.B2-6791/05 DATED 29.11.06 ISSUED BY THE TAHSILDAR, UDUMPANCHOLA TALUK.

PIUS C. KURIAKOSE,J.

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W.P.(C)No.33432 of 2006

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Dated: 5th January, 2007

JUDGMENT

Mr.Jobi Jose Kondody, counsel for the petitioner submits that even though the petitioner had substantially complied with all the conditions imposed by this court in its interim order dated 20th December, 2006, the vehicle in question has not been released to the petitioner so far. Counsel further submits that adjudication is presently adjourned to next week. Having regard to the above submissions and the submissions of Mr.Mathew G.Vadakkel, learned Government Pleader, I am of the view that the Writ Petition itself can be disposed of with the following directions:

1. The District Collector before finalising the adjudication proceedings in respect of the vehicle in question willl hear the 1st respondent-Panchayat also.

2. The vehicle in question will be released to the petitioner once the petitioner files an affidavit before the District Collector in which he undertakes to produce the vehicle in its present condition as and when directed in that regard by the District Collector or any other authority and also remits a sum of Rs.7500/- by cash with the District Collector.

3. The 4th respondent will, on noticing copy of the affidavit and the

original of the cash receipt, forthwith release the vehicle to the petitioner realising that the interim order dated 20th December, 2006 stands superseded by this judgment.

The Writ Petition will stand disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**